

**AMENDMENTS TO THE DRAWINGS:**

Applicant amends Figures 1, 6, 7 and 13 as indicated on the drawing replacement sheets labeled "Replacement Sheet 1/4," "Replacement Sheet 2/4," "Replacement Sheet 3/4," and "Replacement Sheet 4/4," attached hereto.

**Attachments:**

Replacement Sheets (1/4 through 4/4) including Figures 1, 6, 7 and 13.

Annotated Drawing Sheets showing changes in red (4 sheets).

### **REMARKS**

In the Office Action<sup>1</sup>, the Examiner objected to the drawings; objected to the specification; objected to claims 1-6 because of informalities; rejected claims 1, 4, and 6 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Sano et al. (U.S. Patent Application Publication No. 2003/0002742, hereafter "Sano").

By this Amendment, Applicant submits corrected drawing sheets pursuant to 37 C.F.R. § 1.121(d), submits substitute specification pursuant to 37 C.F.R. § 1.121(b), amends the Title, amends the Abstract, amends claims 1-6, and adds new claims 7-9. Claims 1-9 remain pending and under current examination.

Regarding the objection to the drawings, Applicant has amended Figures 1, 6, 7, and 13. Specifically, Applicant has amended Figure 1 to replace non-English characters in box 11 by --RATE CONTROLLER--, and add reference characters --R5E--; amended Figure 6 to replace "RT0" by --RT1--; amended Figure 7 to replace "BitTmp" by --BitsTmp--; and amended Figure 13 to replace "SP27" by --SP45--, and match reference characters "SP53" and "SP54" with the written description. Applicant submits herewith four (4) sheets of replacement drawings, labeled "Replacement Sheet 1/4," "Replacement Sheet 2/4," "Replacement Sheet 3/4," and "Replacement Sheet 4/4," and four (4) sheets of annotated replacement drawings, marking changes in red. Accordingly, Applicant respectfully requests withdrawal of the objection to the drawings.

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Regarding the objection to the specification, Applicant has amended the Title and the Abstract. In addition, Application has submitted a substitute specification, in which all of the alleged informalities are corrected. Accordingly, Applicant respectfully requests withdrawal of the objection to the specification.

Regarding the objection to claims 1-6, Applicant has amended claims 1-6 to correct all the alleged informalities. Accordingly, Applicant respectfully requests withdrawal of the objection to claims 1-6.

Applicant respectfully traverses the rejection of claim 1-6 under 35 U.S.C. § 112, second paragraph, as being indefinite.

By this Amendment, Applicant has amended claims 1 and 4 to recite “the predetermined number of the removed bit planes,” and amended claim 6 to remove the ordering of steps. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-6 under 35 U.S.C. § 112, second paragraph.

Applicant respectfully traverses the Examiner’s rejection of claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Sano. In order to properly establish that Sano anticipates Applicant’s claimed invention under 35 U.S.C. § 102, each and every element of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, as amended, recites an encoder comprising, for example,

read control means for removing a predetermined number of bit planes among the bit planes, from a lower side, thereafter reads remaining bit planes, and outputs the remaining bit planes in parallel; and

a plurality of encoding means ..., wherein

the read control means determines the predetermined number of the removed bit planes, so that a quantity of generated codes per frame is kept constant when each of the encoding means performs the encoding.

(Emphasis added). Sano fails to teach or suggest at least these elements.

The Examiner asserted, "Sano et al. discloses, ...'the read control means determines the number of the removed bit planes, so that the quantity of generated codes per frame is kept constant when each of the plural encoding means performs the encoding processing' [**'an image compression method comprising a tile specifying step specifying rectangular tiles having an arbitrary size with respect to an image' (Paragraph 0064), and 'An arbitrary number of such COM markers may be inserted within the main header or the tile-part header, and a maximum of 65535 bytes of data can be inserted' (Paragraph 0140)]**," Office Action at page 16.

Applicant respectfully disagrees.

Applicant respectfully submits that the Examiner's citation of Sano merely teaches *specifying rectangular tiles having an arbitrary size with respect to an image* and *inserting COM markers within the main header or the tile-part header*, which are completely irrelevant to "the read control means determin[ing] the predetermined number of the removed bit planes, so that a quantity of generated codes per frame is kept constant when each of the plural encoding means performs the encoding processing," as recited in claim 1. Accordingly, neither the Examiner cited portions nor

any other portions of Sano teaches or suggests each and every elements of claim 1.

For this reason, Sano cannot anticipate claim 1. Claim 1 is allowable.

Independent claims 4 and 7, while of different scope than claim 1, distinguish over Sano for at least the same reasons as claim 1. Claims 2, 3, 5, 6, 8, and 9 depend respectively from claims 1, 4, and 7, and require all the elements recited in claims 1, 4, and 7. Accordingly, Sano also cannot anticipate claims 2, 3, 5, 6, 8, and 9. Therefore, claims 2-9 are also allowable.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: March 8, 2007

By: 

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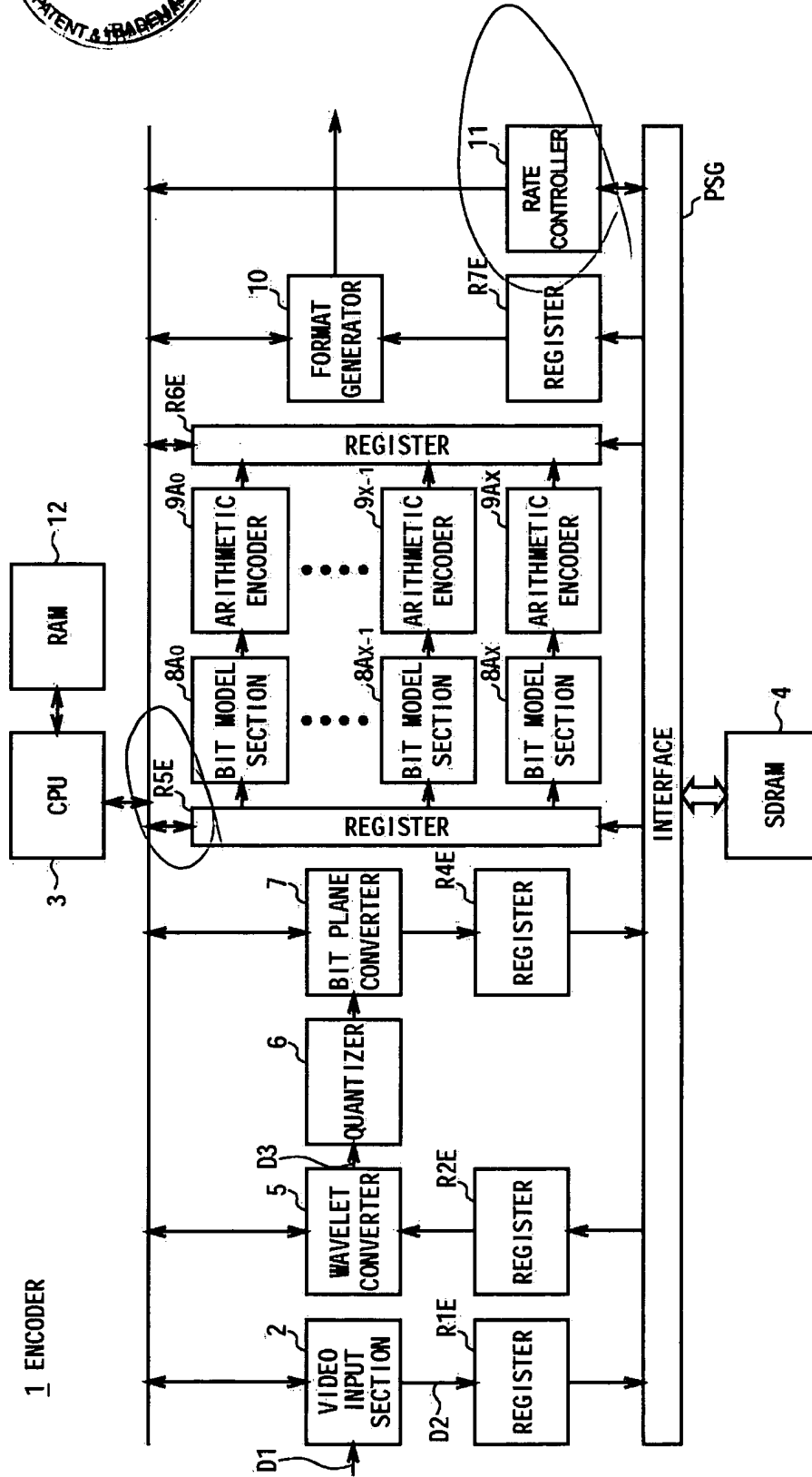


FIG. 1

# Annotated Sheet (2/4)

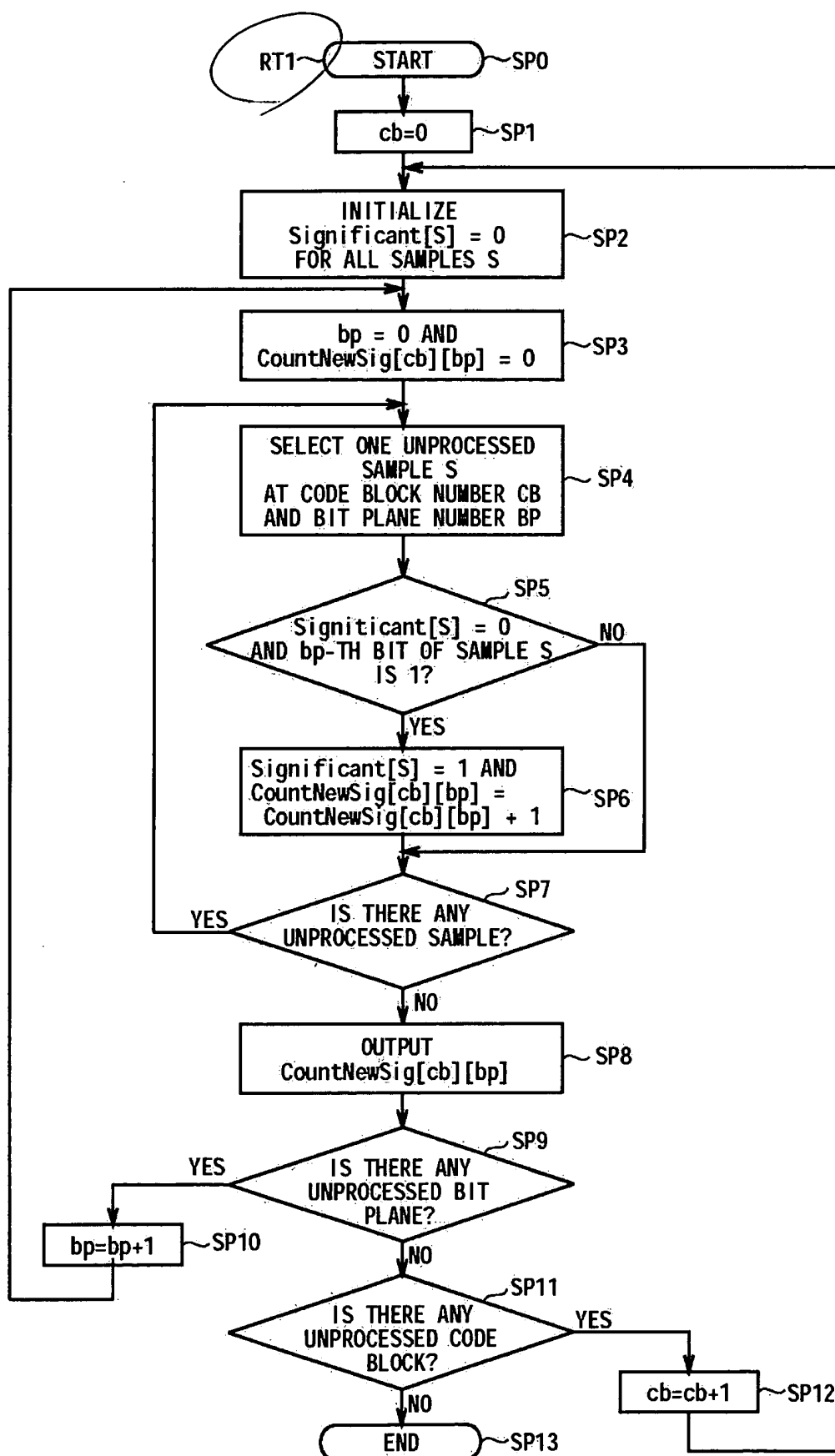


FIG. 6

# Annotated Sheet (3/4)

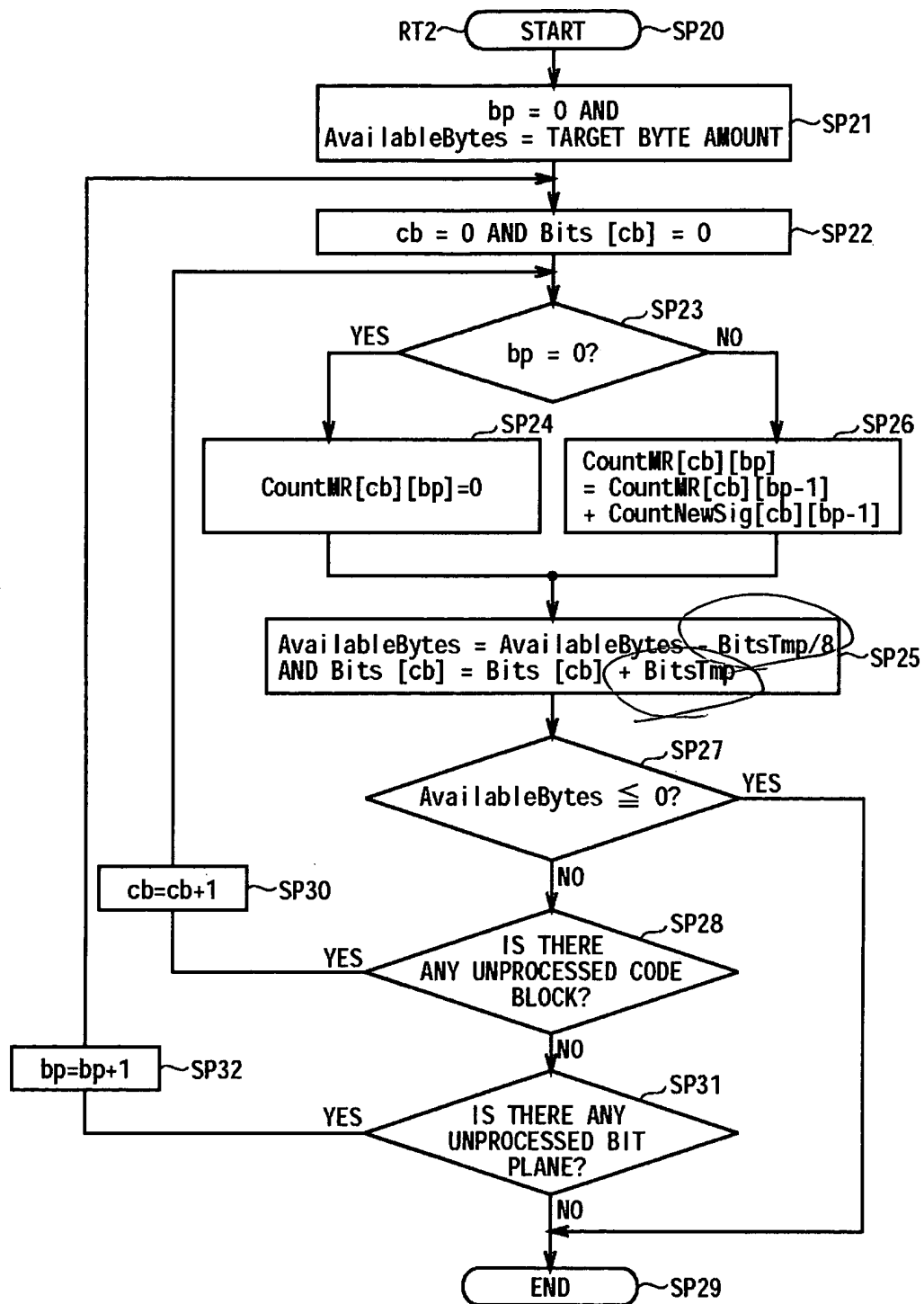


FIG. 7



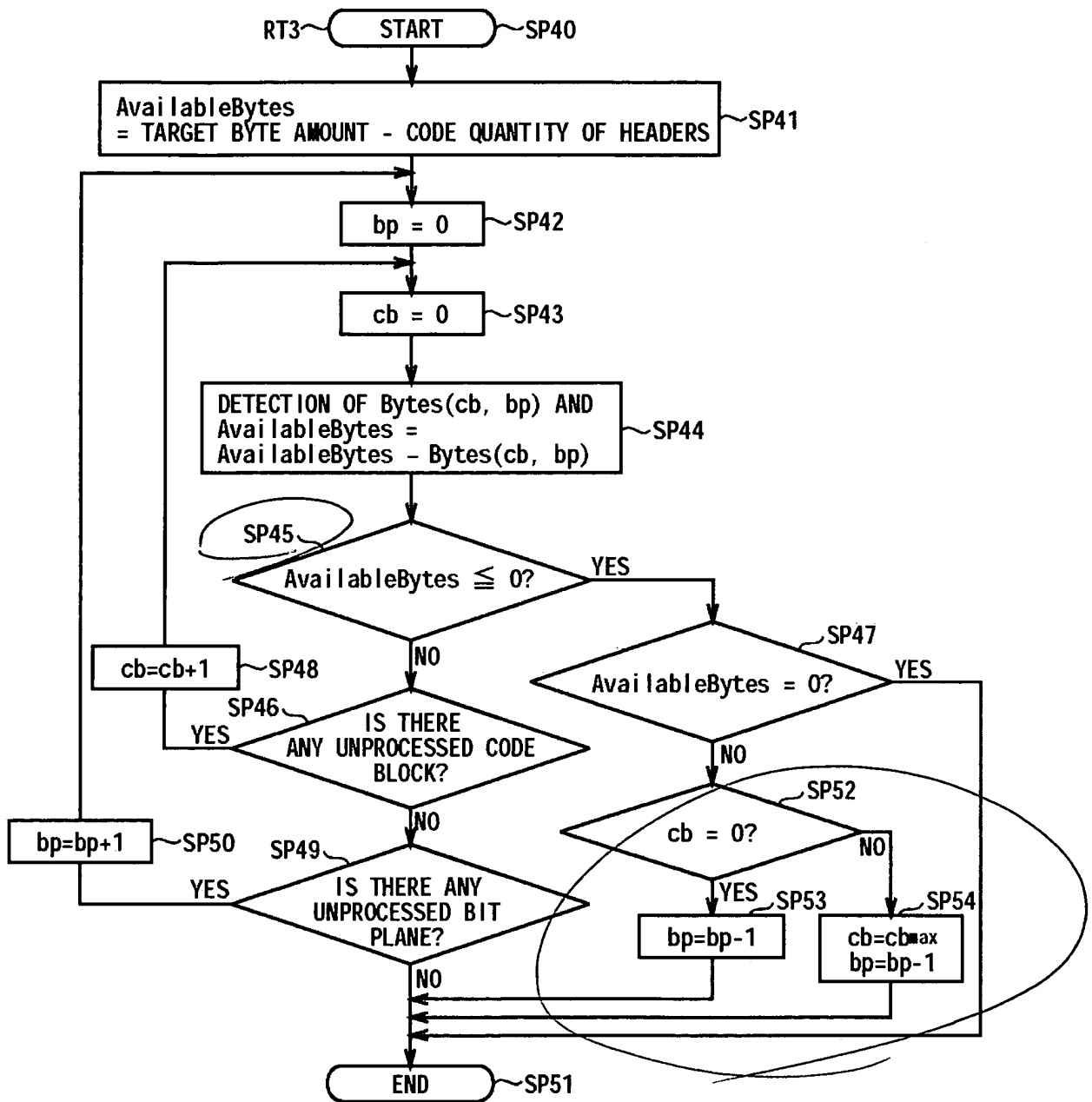


FIG. 13